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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

CC Docket No. 93-268

RM-6147

Correction of Part 68  
Typographical Errors,  
Clarifications, and a Proposal  
for Part 68 Registration  
Revocation Procedures

BellSouth Telecommunications, Inc. ("BellSouth"), respectfully submits these comments in response to the Commission's Notice of Proposed Rulemaking in the above-styled proceeding.<sup>1</sup>

By its Notice, the Commission proposes to amend its Part 68 terminal equipment registration requirements to include terminal equipment connected to Integrated Service

<sup>1</sup> See Notice of Proposed Rulemaking, CC Docket No. 93-268, RM-7815, RM-6147, FCC 93-484 (released November 22 1993) ("Notice").

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Digital Network (ISDN) Basic Rate Access and Primary Rate Access interfaces and to Public Switched Digital Service (PSDS).<sup>2</sup> With only minor exceptions, BellSouth supports these proposed rule amendments. However, BellSouth urges the Commission not to send the industry an inappropriate signal by adopting the proposed rule amendments for the wrong reasons.

The purpose of the Part 68 rules is "to provide for uniform standards for the protection of the telephone network from harms caused by the connection of terminal equipment."<sup>3</sup> Thus, the Commission properly observed in the Notice that "Part 68 is designed to assure consumers, manufacturers and carriers that terminal equipment may be connected to the telephone network without causing harm."<sup>4</sup> Yet, other language in the Notice suggests that the Commission may be looking beyond "harms-to-the-network" concerns to support the proposed rule changes.

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<sup>2</sup> See 47 C.F.R. §§ 68.1 et seq. ("Part 68"). The Commission also proposed equipment registration revocation procedures to enhance its ability to enforce the Part 68 registration requirements. BellSouth supports adoption of the procedures outlined in the Notice.

<sup>3</sup> See 47 C.F.R. § 68.1. Harm to the network encompasses "[e]lectrical hazards to telephone company personnel, damage to telephone company equipment, malfunction of telephone company billing equipment, and degradation of service to persons other than the user of the subject terminal equipment, his calling or called party." 47 C.F.R. § 68.3.

<sup>4</sup> See Notice at ¶ 1.

For example, in paraphrasing comments on one of the petitions giving rise to this proceeding, the Commission cites "overwhelming support for including [ISDN] in Part 68 in order to promote rapid exploitation of this technology."<sup>5</sup> Additionally, the Commission appears to accede to AT&T's assertion that the "considerations of encouraging development of ISDN terminal equipment, industry uniformity, and worldwide compatibility of equipment" connected to various network interfaces are appropriate Part 68 concerns.<sup>6</sup> The Commission also approvingly cites IDCMA's concerns from a manufacturer's perspective, not with protection against network harms, but with standardization and compatibility to facilitate equipment development.<sup>7</sup>

While all of these concerns arguably reflect legitimate public interest objectives, there is no suggestion as to how these objectives are related to protection against network harm. BellSouth submits that protection against network harms should remain the foremost concern in Part 68 rulemaking proceedings. Other public benefits that may accrue from Part 68 rules certainly may be recognized, but should not be identified as the intended outcomes of Part 68 proceedings. In short, BellSouth urges the Commission to be careful that Part 68 proceedings remain concerned with

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<sup>5</sup> See Notice at ¶ 2 (emphasis added).

<sup>6</sup> See Notice at ¶ 3 (emphasis added).

<sup>7</sup> See Notice at ¶ 2.

protection against network harms and do not become tools for affecting the functioning of the CPE marketplace.

Notwithstanding the foregoing, the proposed rule amendments do appear to promote protection against network harm and should be adopted, with the following exceptions:

1. The Notice solicits comment on various proposals for ISDN and PSDS network connectors (jacks), including the Exchange Carriers Standards Association (ECSA) T1 Committee's recommendation of specific jacks for services using ISDN and PSDS technologies.<sup>8</sup> While ECSA's recommended network connectors are certainly appropriate for each of the services identified, BellSouth believes that the association of specific jacks with specific services in the Commission's Rules is not necessary. As Ameritech pointed out previously, manufacturers who build to one interface may connect to another interface through an appropriate adapter. Consistent with its primary focus on protection against harms to the network rather than on compatibility issues, Part 68 does not currently assign specific jack types to specific services. No potential network-harms issue has been identified to warrant a change in this practice.

2. Proposed rule 68.308 (h)(3)(iii) would require registered terminal equipment connected to Type II and Type III PSDS interfaces to contain functionality capable of

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<sup>8</sup> See Notice at ¶ 6 and n.7.

producing specifically defined scrambled data patterns.<sup>9</sup> While a scrambler functionality undoubtedly would be necessary for proper interworking with the network, it is not necessary for protection against network harm. Thus, the Commission should not include proposed section 68.308 (h)(3)(iii) in its final rules.

3. Proposed rules 68.308(b)(1)(viii) and (b)(2)(iii) would impose signal power limitations on terminal equipment connected to PSDS Type II and Type III.<sup>10</sup> The Commission consciously did not include PSDS Type I in these proposed rules, concluding that equipment connected to that service is "substantially the same as the leased-line versions already in the rules,"<sup>11</sup> "which for the most part, have been registered under Part 68 and can be used or readily adapted for use for this class of service."<sup>12</sup> While the Commission's current assessment appears correct, BellSouth encourages the Commission to close the potential loophole in the proposed rules for later designed equipment that may not be "substantially the same" as that in use today. Thus, BellSouth recommends the specific inclusion of PSDS Type I in proposed rules 68.308(b)(1)(viii) and (b)(2)(iii).

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<sup>9</sup> See Notice at Appendix A, p. 9-10.

<sup>10</sup> See Notice at Appendix A, p. 7.

<sup>11</sup> See Notice at ¶ 8 (emphasis added).

<sup>12</sup> See Notice at ¶ 7 (emphasis added).

**CONCLUSION**

Subject to the minor exceptions outlined above,  
BellSouth supports adoption of the proposed rules.  
BellSouth urges the Commission to clarify, however, that the  
purpose of the new rules is to guard against network harm,  
not to promote the functioning of the CPE marketplace.

Respectfully submitted,  
BELLSOUTH TELECOMMUNICATIONS, INC.  
By its Attorneys:

A handwritten signature in dark ink, appearing to read "M. Robert Sutherland", is written over a horizontal line.

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February 10, 1994

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 24th day of January, 1994 serviced all parties to this action with a copy of the foregoing COMMENTS in reference to CC 93-268, RM-7815 and RM-6147, by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties as set forth on the attached service list.

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